

★ MAY 04 2018 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KENNY SHI LAI,

Plaintiff,

- against -

UNITED STATES OF AMERICA ,

Defendant.
----- X

BROOKLYN OFFICE

**MEMORANDUM DECISION AND
ORDER TO SHOW CAUSE**

18-CV-0327 (AMD) (PK)

ANN M. DONNELLY, District Judge.

The *pro se* plaintiff, Kenny Shi Lai, filed his complaint on January 16, 2018, and requested leave to proceed *in forma pauperis*. In a Memorandum and Order dated March 12, 2018, the Court dismissed the plaintiff's complaint, because the action was frivolous and lacked any merit. (ECF No. 4.) By operation of the Clerk's Judgment, on March 14, 2018, the case was closed. (ECF No. 5) On April 3, 2018, the Court denied the plaintiff's request for reconsideration. (ECF No. 8.) Since the Court's April 3rd order denying the plaintiff's motion for reconsideration, the plaintiff has filed a series of incoherent, obscene, and vaguely threatening letters; like the plaintiff's original complaint, the letters are devoid of any actionable factual or legal content. (ECF Nos. 9-12.) Therefore, the plaintiff is ORDERED TO SHOW CAUSE within 20 days of this Order why an injunction should not be imposed barring him from making any further filings in this District without first obtaining permission from the Court to do so.

As demonstrated by his filings, the plaintiff appears intent on harassing the Court and its staff. Without a filing injunction in place, the plaintiff will be "likely to continue to abuse the judicial process." *Safir v. U.S. Lines Inc.*, 792 F.2d 19, 24 (2d Cir. 1986). The federal courts

have limited resources. Frequent non-meritorious filings diminish the ability of the courts to manage their dockets for the efficient administration of justice. “The district courts have the power and the obligation to protect the public and the efficient administration of justice from individuals who have a history of litigation entailing vexation, harassment and needless expense to other parties and an unnecessary burden on the courts and their supporting personnel.” *Lau v. Meddaugh*, 229 F.3d 121, 123 (2d Cir. 2000) (internal quotation marks omitted). Thus, “[i]f a litigant has a history of filing vexatious, harassing or duplicative lawsuits, courts may impose sanctions, including restrictions on future access to the judicial system.” *Hong Mai Sa v. Doe*, 406 F.3d 155, 158 (2d Cir. 2005) (internal quotations and citations omitted); *see also Safir*, 792 F.2d at 24 (“A district court not only may but should protect its ability to carry out its constitutional functions against the threat of onerous, multiplicitous, and baseless litigation.”).

ORDER TO SHOW CAUSE

“The unequivocal rule in this circuit is that the district court may not impose a filing injunction on a litigant *sua sponte* without providing the litigant with notice and an opportunity to be heard.” *Moates v. Barkley*, 147 F.3d 207, 208 (2d Cir. 1998). Accordingly, the plaintiff is ORDERED TO SHOW CAUSE in writing by affirmation, within 20 days of the date of this Order, why he should not be barred from filing any actions, adversary proceedings, or motions, arising from or related to the statements contained in the plaintiff’s complaint. Should the plaintiff fail to submit his affirmation within the time directed, or should his affirmation fail to set forth good cause why this injunction should not be entered, he will be barred from filing any further actions in this district without first obtaining permission from this Court to do so.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of

an appeal. *See Coppedge v. United States*, 369 U.S. 438, 82 S. Ct. 917 (1962).

SO ORDERED.

s/Ann M. Donnelly


Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
May 4, 2018